

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 433

**Citations Affected:** IC 11; IC 35.

**Synopsis:** Community transition program. Terminates the authority of the department of correction to assign to a community transition program an offender against whom a court imposed a sentence of less than two years. Provides that an offender who resides outside of Indiana is not eligible for a community transition program. Provides that a person assigned to a community transition program is responsible for the person's own medical care while in the program. Provides that if the person is unable to pay for the person's necessary medical care, the department of correction is responsible for the medical care. Allows the department to return an offender to a facility operated by the department of correction for necessary medical care. Requires an offender to agree in writing: (1) to abide by the rules and conditions of the community transition program; and (2) to voluntarily participate in the program; before the offender may be allowed to participate in the program. Requires the community corrections program, upon a finding of probable cause that the offender failed to comply with a rule or condition of the program, to cause the department to: (1) immediately return the offender to the department; and (2) reassign the offender to a program or facility administered by the department. Allows a sentencing court to transfer a person assigned to a community corrections program to a community corrections program where the person resides under certain circumstances. Requires the department of correction to notify a victim and the offender of the person's right to submit a written statement regarding the victim's assignment to a community correction program or other work release program. Allows the prosecuting attorney to inspect and copy all information submitted with a notice sent by the department of correction to the sentencing court. Prohibits an offender from earning education credit time that would allow the offender to be released or assigned to a community transition program in less than 45 days after the offender earns the credit. Makes related changes. (This conference committee report does the following: Removes Senator V. Smith's amendments to eliminate: (1) telephone surcharges imposed on prisoners who make collect telephone calls from a department of correction facility; and (2) the exception to the crime of displaying matter that is harmful to minors whenever a parent or guardian accompanies the minor into the area where the minor has visual, auditory, or physical access to the matter. Retains the amendment made in the report of the House Committee on Courts and Criminal Code that eliminates the mandatory deprivation of credit time for an offender who is returned to the department of correction for a violation of a rule or condition of the community transition program. Deletes language in the credit time statute that duplicates language contained in IC 11-10-11.5-11.5. Inserts language that prohibits the application of education credit in a manner that would interfere with a required notice to a victim of a crime.)

**Effective:** Upon passage.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 433 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning
- 3 corrections.
- 4 Page 7, delete lines 12 through 30.
- 5 Page 9, delete lines 17 through 40.
- 6 Page 10, between lines 38 and 39, begin a new paragraph and
- 7 insert:
- 8 "SECTION 22. IC 35-50-6-3.3, AS AMENDED BY P.L.183-1999,
- 9 SECTION 3, AND AS AMENDED BY P.L.243-1999, SECTION 3, IS
- 10 AMENDED AND CORRECTED TO READ AS FOLLOWS
- 11 [EFFECTIVE UPON PASSAGE]: Sec. 3.3. (a) In addition to any credit
- 12 time a person earns under subsection (b) or section 3 of this chapter,
- 13 ~~if~~ a person earns credit time if the person:
- 14 (1) is in credit Class I;
- 15 (2) has demonstrated a pattern consistent with rehabilitation; and
- 16 (3) successfully completes requirements to obtain one (1) of the
- 17 following:
- 18 (A) A general educational development (GED) diploma
- 19 under IC 20-10.1-12.1, if the person has not previously
- 20 obtained a high school diploma.
- 21 (B) A high school diploma.
- 22 (C) An associate's degree from an approved institution of
- 23 higher learning (as defined under IC 20-12-21-3).
- 24 (D) A bachelor's degree from an approved institution of
- 25 higher learning (as defined under IC 20-12-21-3).

(b) In addition to any credit time that a person earns under subsection (a) or section 3 of this chapter, a person may earn credit time if, while confined by the department of correction, the person:

- (1) is in credit Class I;
- (2) demonstrates a pattern consistent with rehabilitation; and
- (3) successfully completes requirements to obtain at least one (1) of the following:

(A) A certificate of completion of a vocational education program approved by the department of correction.

(B) A certificate of completion of a substance abuse program approved by the department of correction.

(c) The department of correction shall establish admissions criteria and other requirements for programs available for earning credit time under subsection (b). A person may not earn credit time under both subsection (a) and subsection (b) for the same program of study.

(d) The amount of credit time a person may earn under this section is the following:

- (1) Six (6) months for completion of a state of Indiana general educational development (GED) diploma under IC 20-10.1-12.1.
- (2) One (1) year for graduation from high school.
- (3) One (1) year for completion of an associate's degree.
- (4) Two (2) years for completion of a bachelor's degree.
- (5) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction.
- (6) Not more than a total of six (6) months of credit, as determined by the department of correction, for the completion of one (1) or more substance abuse programs approved by the department of correction.

However, a person who does not have a substance abuse problem that qualifies the person to earn credit in a substance abuse program may earn not more than a total of twelve (12) months of credit, as determined by the department of correction, for the completion of one (1) or more vocational education programs approved by the department of correction. If a person earns more than six (6) months of credit for the completion of one (1) or more vocational education programs, the person is ineligible to earn credit for the completion of one (1) or more substance abuse programs.

(e) Credit time earned by a person under this section is subtracted from the release date that would otherwise apply to the person after subtracting all other credit time earned by the person.

(f) A person does not earn credit time under subsection (a) unless the person completes at least a portion of the degree requirements after June 30, 1993.

(g) A person does not earn credit time under subsection (b) unless the person completes at least a portion of the program requirements after June 30, 1999.

(h) Subsection (e) applies only to a person who completes at least a portion of the degree or program requirements under subsection (a) or (b) after June 30, 1999. Credit time earned by a person under

- 1 subsection (a) for a diploma or degree completed before July 1, 1999,  
 2 shall be subtracted from the period of imprisonment imposed on the  
 3 person by the sentencing court.
- 4 (i) The maximum amount of credit time a person may earn under  
 5 this section is the lesser of:  
 6 (1) four (4) years; or  
 7 (2) one-third (1/3) of the person's total applicable credit time.
- 8 **(j) The amount of credit time earned under this section is**  
 9 **reduced to the extent that application of the credit time would**  
 10 **otherwise result in:**  
 11 **(1) postconviction release (as defined in IC 35-40-4-6); or**  
 12 **(2) assignment of the person to a community transition**  
 13 **program;**  
 14 **in less than forty-five (45) days after the person earns the credit**  
 15 **time."**
- 16 Page 12, line 23, delete "A person shall be returned to the  
 17 department of correction".  
 18 Page 12, delete lines 24 through 26.  
 19 Page 12, line 27, delete "(d)".  
 20 Page 12, run in lines 23 and 27.  
 21 Renumber all SECTIONS consecutively.  
 (Reference is to ESB 433 as reprinted February 22, 2000.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 433**

**S**igned by:

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Senator Kenley  
Chairperson

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Representative Mellinger

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Senator Washington

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Representative Ulmer

**Senate Conferees**

**House Conferees**